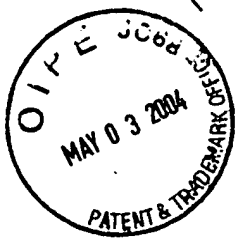


05-05-04

AP
3700



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ANTHONY SINGER ET AL.

Appl. No.: 09/923,673

Art Unit: 3714

Filed: August 6, 2001

Examiner: Coburn, C.

For: METHOD AND APPARATUS FOR OPERATING A GAMING DEVICE

MAIL STOP APPEAL BRIEF -- PATENTS
Commissioner for Patents
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

RECEIVED
MAY 10 2004
TECHNOLOGY CENTER R3700

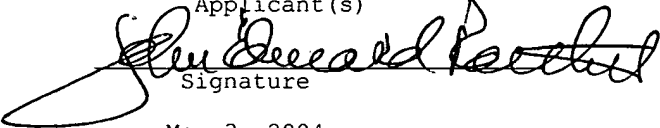
APPELLANTS' REPLACEMENT APPEAL BRIEF

By an Office Action dated April 4, 2004, the Examiner has objected to the originally submitted Appeal Brief as containing an incorrect grouping of claims. Appellants have reconfigured the grouping of claims as required by the Examiner and herewith submit this Replacement Appeal Brief.

I hereby certify that this correspondence is being deposited with the United States Postal Service as on this date May 3, 2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label No. ER155256286US addressed to: MAIL STOP APPEAL BRIEF -- PATENTS, COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450.

Anthony M. Singer et al.

Applicant(s)


Signature

May 3, 2004

Date of Signature

1. REAL PARTY IN INTEREST

This application has not yet been assigned, but it is under contract to be assigned to Action Gaming, Inc., a Nevada corporation.

2. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

3. STATUS OF CLAIMS

Claims 1-27 are pending in this application. Claims 1-7, 10 and 19-27 stand rejected. Claims 8, 9 and 11-18 stand withdrawn from consideration.

4. STATUS OF AMENDMENTS

There are no Amendments after Final Rejection.

5. SUMMARY OF THE INVENTION

The present invention sets out a method and apparatus related to a gaming machine. The recited apparatus comprises for a gaming machine 10 that has a single main screen 20 that displays a first

slot game 22 and a second slot game 24. Each slot game has a plurality of reels, a plurality of symbols associated with each reel and a plurality of pay lines. The gaming machine has a common credit meter 60 that is shared by both the first slot game and the second slot game.

Means are also provided for operating the first slot game independently of the second slot game with regard to the activation of the slot reels, the display of the symbols on each reel and the determination of an outcome on each pay line. Specification, page 6, line 23 through page 7, line 7.

The recited method tracks the recited apparatus in that the gaming machine is provided with a single main screen that displays a first slot game and a second slot game. A common pool of credits is provided from which each slot game uses to make wagers and to which each slot game accrues awards from any winning occurrences. The first slot game is configured to operate independently of the second slot game with regard to the activation of the slot reels, the display of the symbols on each reel and the determination of the outcome on each pay line.

Claim 1 is representative of the method of play of the present

invention:

Claim 1. A method of playing a gaming device in which each slot game has a plurality of reels, a plurality of symbols associated with each reel and a plurality of pay lines comprising:

a) providing a gaming machine with a single main screen which displays at least a first slot game and second slot game thereon;

b) configuring the first slot game to operate independently of the second slot game with regard to the activation of the slot reels, the display of the symbols on each reel and the determination of an outcome on each pay line; and

c) providing a common pool of credits from which each slot game uses credits to make wagers and to which each slot game accrues awards from any winning occurrences on the slot game.

Claim 25 is representative of the apparatus of the present invention:

Claim 25. A gaming machine comprising:

a) a first slot game having a plurality of reels, a plurality of symbols associated with each reel and a plurality of pay lines;

b) a second slot game having a plurality of reels, a plurality of symbols associated with each reel and a plurality of

pay lines;

c) a single main video display screen which displays both the first slot game and the second slot game;

d) means for operating the first slot game independently of the second slot game with regard to the activation of the slot reels, the display of the symbols on each reel and the determination of an outcome on each pay line; and

e) a common credits meter from which both the first slot game and the second slot game uses credits to make wagers and to which both the first slot game and the second slot game accrues awards from any winning occurrences on either the first slot game or the second slot game.

6. ISSUES

Whether Claims 1-7, 10, 19, 20 and 25-27 are unpatentable under 35 U.S.C. §103(a) over Gatley et al (GB2239547) in view of Piechowiak (6012982) and Itkis (6227969).

Whether Claims 21-24 are unpatentable under 35 U.S.C. §103(a) over Gatley et al (GB2239547) in view of Piechowiak (6012982) and Itkis (6227969) as applied to Claim 19, and further in view of Thomas et al. (6190255).

7. GROUPING OF CLAIMS

First Group of Claims: Claims 1-7, 10,19, 20 and 25-27 stand together as the first group of claims.

Second Group of Claims: Claims 21-24 stand together as the second group of claims. Appellants do not submit that these claims are separately patentable from the first group of claims, but these claims are grouped separately as required by the Examiner.

8. ARGUMENTS

Appellants' Summary of the Prior Art

Gatley (GB 2239547) discloses a gaming machine such as a "fruit machine" (the UK terminology for a slot machine) which has a single gaming cabinet which carries on one side two game display units and uses a common credit register. The game display units may be positioned side-by-side or one on top of the other. Each slot machine game can be played separately or at once.

Piechowiak (6012982) is relied upon for the teaching that slot games may have multiple pay lines.

Itkis (4856787) is relied upon for the teaching of displaying multiple games on the same screen display.

Thomas (6190255) [additionally applied against Claims 21-24] is relied upon for the teaching that a bonus game may be a "pick 'em" game.

Appellant's Summary of the Examiner's Position

It is basically the Examiner's position that Gatley can be modified as suggested by Piechowiak to have multiple pay lines and that Gatley can be modified as suggested by Itkis to utilize a single screen display to show both the first slot game and the second slot game.

Arguments re: the First Group of Claims

Claim 1 stands rejected under 35 U.S.C. 103 as being unpatentable over Gatley et al (GB 2239547) in view of Piechowiak et al (6012982) and Itkis (4856787). As noted above, Appellants concede that all of the other claims stand or fall with Claim 1.

Claim 1 specifies that a single main screen is used to display the first slot game and the second slot game. This amendment

clearly distinguishes Appellants' claimed invention from the reference to Gatley et al. (GB 2239547).

The reference to Gatley discloses two slot machines mounted side-by-side or on top of each other, with the two slot machines using a common coin validator and a common credit register. The two slot machines are separately playable and use separate components such as the display glass, the light box and the computer program card.

Appellants' invention is a patentable improvement over the disclosure of Gatley. By using a single main screen, Appellants' method and apparatus has much more flexibility than the device disclosed in Gatley. A single main screen allows for two or more slot games that can vary in size in the amount of the screen display used. Only a single display glass is needed and only a single set of computer controls is needed.

The secondary reference to Piechowiak is relied upon for the disclosure of slot machine games with multiple pay lines. There is nothing in Piechowiak that teaches or suggests having multiple slot games displayed on a single main screen. It is submitted that the reference to Piechowiak does not overcome the

deficiencies of Gatley with regard to the claims at issue.

Itkis discloses a video lottery terminal-like network having a central computer and a plurality of dumb terminals attached electronically to the central computer. The Itkis disclosure relates primarily to "common event" games, such as bingo or keno, in which the central computer functions to draw the bingo or keno numbers and the results of the game are displayed on each player's bingo card or keno card on the dumb terminal.

The Itkis disclosure extends this concept to having multiple "common event" games displayed on each dumb terminal, for example, the dumb terminal displays the results of both a bingo game and a keno game or two different bingo games. Itkis does not disclose using the display screen on each dumb terminal to display two independent slot machine games on the same display screen.

In fact, there is no discussion in the written description section of the Itkis patent regarding slot machines at all. The only mention of slot machines occurs in the claims of Itkis.

The method and apparatus of the present invention does not use a central computer networked together bi-directionally with a plurality of dumb terminals. The claims at issue refer simply to

a gaming machine having a single display screen on which two separate and independent slot games are displayed.

Itkis further is limited to the simultaneous display of these common event games while the claims of the present invention recite a first slot game and a second slot game which are clearly not "common event" games since there is no need for a central computer to display drawn numbers for bingo or keno to a plurality of players all playing the same game at the same time.

Itkis can only be relied on by the Examiner for the teaching that two "common event" games, like bingo or keno, can be displayed simultaneously to a plurality of players each having their own display screen. It is submitted that a person of ordinary skill in the art would not look to Itkis for the suggestion to display a first slot game and a second slot game independently on the same video screen to a single player.

Even if the only reference to slot games in Itkis that appears in the claims is read back into the written description section of the Itkis disclosure, the only suggestion that can be gleaned from such a read back would be to have the central computer communicate bi-directionally with a plurality of dumb terminals to display the

same results of two slot games to each player on his dumb terminal. Since the claims at issue require that the first slot game operates independently from the second slot game, such a proposed read back of the Itkis claim reference to slot machines still does not meet the claim limitation of the claims at issue.

Arguments re: the Second Group of Claims

Because Claims 21-24 have been rejected by the Examiner using an additional reference, the Examiner has required that these claims be separately grouped as part of Appellants' Appeal Brief.

Claims 21-24 depend indirectly (through Claim 19) from Claim 1. Appellants continue to submit that these claims should stand or fall from a patentability standpoint with Claim 1.

The additional reference to Thomas has only been applied against Claims 21-24 and is relied upon for the disclosure of a "pick-em" type bonus game. Appellants do not rely on the steps set out in Claims 21-24 to effect patentability beyond the asserted patentability of the parent independent Claim 1.

However, there is nothing in Thomas that teaches or suggests having multiple slot games displayed on a single main screen. It

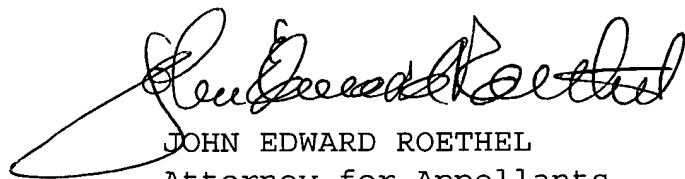
is submitted that the reference to Thomas does not overcome the deficiencies of Gatley with regard to Claim 1.

9. CONCLUSION

Appellant submits that Claims 1-7, 10 and 19-27 have been improperly rejected by the Examiner under 35 U.S.C. 103. Appellant respectfully requests that the Board of Appeals reverse the Examiner's rejections of Claims 1-7, 10 and 19-27 and remand this application to the Examiner for further action consisting of a Notice of Allowance.

An Appendix is attached to this Brief setting out in full the claims on appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Edward Roethel", is written over the typed name.

JOHN EDWARD ROETHEL
Attorney for Appellants
Registration No. 28,372

2290 S. Jones Blvd., #100
Las Vegas, NV 89146
Phone: (702) 364-1190

APPENDIX

Claim 1. A method of playing a gaming device in which each slot game has a plurality of reels, a plurality of symbols associated with each reel and a plurality of pay lines comprising:

a) providing a gaming machine with a single main screen which displays at least a first slot game and second slot game thereon;

b) configuring the first slot game to operate independently of the second slot game with regard to the activation of the slot reels, the display of the symbols on each reel and the determination of an outcome on each pay line; and

c) providing a common pool of credits from which each slot game uses credits to make wagers and to which each slot game accrues awards from any winning occurrences on the slot game.

Claim 2. The method of claim 1 including the steps of:

a) using a separate input means to make a wager on each slot game;

b) using a separate means to activate the start of each slot game;

c) providing a separate area on a display screen of the gaming machine to allow the player to view the wager made, the

credits accrued and other information pertinent to the operation of each game; and

d) using a common control means to allow the player to receive a payout of any amount of accrued credits.

Claim 3. The method of Claim 1 including the step of providing that each game is the same game in every aspect, including having the same set of rules, symbols, pay lines, wagers, music, artwork and random number generator.

Claim 4. The method of Claim 1 including the step of providing that each game is a different game in one or more aspects, including having a different set of rules, symbols, pay lines, wagers, music, artwork or random number generator.

Claim 5. The method of Claim 1 including the step of providing that each of the slot games on the gaming machine is selected by a manufacturer of the gaming machine.

Claim 6. The method of Claim 1 including the step of providing that each of the slot games on the gaming machine is selected by a gaming establishment who is acquiring the gaming machine.

Claim 7. The method of Claim 1 including the step of providing that each of the slot games on the gaming machine is selected by the player of the gaming machine from a menu of available games provided on the gaming machine.

Claim 10. The method of Claim 1 including the step of providing that each slot game includes:

- a) randomly selecting and displaying one or more pay lines of at least three symbols;

- b) the player making a first wager on a first pay line, a second wager on a second pay line and additional wagers on any subsequent pay lines by drawing from the common pool of credits;

- c) crediting to the common pool of credits a predetermined amount based on the amount of the first wager if the resulting symbols of the first pay line comprise a predetermined winning combination;

- d) crediting to the common pool of credits a predetermined amount based on the amount of the second wager if the resulting symbols of the second pay line comprise a predetermined winning combination; and

- e) crediting to the common pool of credits a predetermined amount based on the amount of any subsequent wagers if the resulting symbols on any of the subsequent pay lines comprise a

predetermined winning combination.

Claim 19. The method of Claim 1 including the step of providing each slot game with a bonus screen feature which is activated if at least one predetermined symbol appears on an active pay line on the slot game screen display.

Claim 20. The method of Claim 19 in which the bonus screen feature is selected randomly from a plurality of possible bonus screens.

Claim 21. The method of Claim 19 in which the bonus screen feature comprises the steps of:

- a) displaying at least two objects on a bonus screen;
- b) the player continuing to select a bonus screen object which reveals an award to the player until the player selects a bonus screen object that causes the bonus screen feature to end; and

- c) accruing to the common pool of credits the total accumulated amount of the award achieved by the player during the play of the bonus screen feature.

Claim 22. The method of Claim 21 in which the bonus screen award includes a special feature award in which the player receives an

award based on the total amount wagered by the player.

Claim 23. The method of Claim 22 in which the special feature award is a multiplier selected randomly from a group of possible multiplier numbers.

Claim 24. The method of Claim 22 in which the special feature award is an amount calculated to result in an average value that can be utilized to control the overall average payout of the gaming machine.

Claim 25. A gaming machine comprising:

- a) a first slot game having a plurality of reels, a plurality of symbols associated with each reel and a plurality of pay lines;

- b) a second slot game having a plurality of reels, a plurality of symbols associated with each reel and a plurality of pay lines;

- c) a single main video display screen which displays both the first slot game and the second slot game;

- d) means for operating the first slot game independently of the second slot game with regard to the activation of the slot reels, the display of the symbols on each reel and the

determination of an outcome on each pay line; and

e) a common credits meter from which both the first slot game and the second slot game uses credits to make wagers and to which both the first slot game and the second slot game accrues awards from any winning occurrences on either the first slot game or the second slot game.

Claim 26. The apparatus of claim 25 including:

a) a first input means for making a wager on the first slot game and a second, separate input means to make a wager on the second slot game;

b) a first means for activating the start of the first slot game and a second, separate means for activating the start of the second slot game;

c) a first area on the video display screen view for allowing a player to view the wager made, the credits accrued and other information pertinent to the operation of the first slot game and a second, separate area on the video display screen for allowing a player to view the wager made, the credits accrued and other information pertinent to the operation of the second slot game; and

d) a means for allowing the player to receive a payout of any amount of accrued credits as shown on the common credits meter.

Claim 27. The apparatus of Claim 25 including a bonus screen feature which is displayed on the video screen display and is activated if at least one predetermined symbol appears on an active pay line on either the first slot game or the second slot game.